

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DePuy Mitek, Inc.	)	
a Massachusetts Corporation	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-12457 PBS
	)	
Arthrex, Inc.	)	
a Delaware Corporation	)	
	)	
Defendant.	)	

**JOINT MOTION FOR LEAVE TO FILE RESPECTIVE MEMORANDA OF LAW IN  
SUPPORT OF SUMMARY JUDGMENT MOTIONS AND RESPECTIVE MARKMAN  
BRIEFS IN EXCESS OF PAGE LIMIT SET BY LOCAL RULE 7.1(b)(4)**

Plaintiff DePuy Mitek, Inc. (“DePuy Mitek”) and defendants Arthrex, Inc. and Pearsalls, Ltd. (“Pearsalls”) (collectively, “the parties”) jointly move this Court for an Order granting the parties leave to file: i) up to 30 pages of memoranda of law in support of their respective summary judgment motion; and ii) up to 25 pages for their respective *Markman* briefs.

As explained more fully in the accompanying memorandum, both parties are simultaneously filing *Markman* briefs seeking the Court’s construction of certain claim terms and dispositive motions on multiple issues. The parties believe that the complex technical and legal issues involved in both these papers compel discussion and argument that extend beyond the 20 page limit set by Local Rule 7.1(b)(4).

Dated: August 7, 2006

Respectfully submitted,

Counsel for Plaintiff

Counsel for Defendants

By: /s/Lynn A. Malinoski

By: /s/Charles W. Saber

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**ORDER**

Upon consideration of the joint motion for leave to file respective memoranda of law in support of summary judgment motions and respective *Markman* briefs in excess of page limit set by local rule 7.1(b)(4), and memorandum in support thereof, it is ORDERED that the motion is GRANTED.

This \_\_ day of August, 2006.

\_\_\_\_\_  
PATTI B. SARIS  
UNITED STATES DISTRICT COURT JUDGE